

**BOARD OF ENVIRONMENTAL PROTECTION
Meeting Minutes**

July 7, 2005

A meeting of the Board of Environmental Protection was held on Thursday, July 7, 2005, at the Holiday Inn / Ground Round in Augusta, Maine. Matthew Scott, Chair, called the meeting to order at 9:00 a.m. with the following individuals present:

Board: Ernest Hilton, Nancy Anderson, Elizabeth Ehrenfeld, Donald Guimond, Virginia Plummer, Matt Scott, Denis Culley, Nancy Ziegler, and Jean T. Wilkinson

Absent: Richard Wardwell

<u>Staff:</u>	<u>Bureau of Air Quality</u>	Ronald Severance
	<u>Bureau of Air Quality</u>	Marc Cone
	<u>Bureau of Remediation and Waste Management</u>	Carole Cifrino
	<u>Bureau of Land and Water Quality</u>	Mike Mullen
	Bureau of Land and Water Quality	Judy Gates
	Bureau of Land and Water Quality	Robin Clukey

Others: David P. Littell, Deputy Commissioner
Jan McClintock, Assistant Attorney General
Cynthia Bertocci, Executive Analyst
Terry Hanson, Administrative Assistant

(Meeting adjourned at approximately 2:30 p.m.)

Draft

I. DEPARTMENTAL**A. COMMISSIONER'S COMMENTS:** Deputy Commissioner David Littell reported the following:

Portsmouth Naval Shipyard: Maine Congressional Delegation and Governor Baldacci provided testimony before the Base Realignment Commission (BRAC) in Boston yesterday. The focus of the Governor's comments was the understated nature of the non-radiological side of environmental clean up. Governor Baldacci advised that the projected cost savings assumed from the base closure would be significantly reduced by closure and clean-up costs by an amount of \$130 million to \$150 million dollars. The Commission paid close attention and clearly heard the message of the Governor and the Maine delegation.

Irving Tanning: The Irving Tanning facility in Hartland is in bankruptcy and may begin liquidation of assets. This facility is the last major tannery in Maine and has held contracts with the US Army for boots, etc. The State and DEP do not want this facility to close through bankruptcy because of some significant environmental issues not to mention lack of 200 jobs in the mid-Maine region. The Town of Hartland also has a POTW issue that Irving Tanning was helping to support financially along with the solid waste facility for sludge disposal. There is an interested buyer, and the Department is hopeful that terms surrounding a purchase will be finalized soon and include continual cleanup of on-site remediation.

Non-point source: – The Department has received some 23 applications and will be reviewing them shortly. The grants [federal pass-through money] amount to approximately \$500,000. available for immediate grants.

Stormwater Rules: Department staff met with individuals from the Conservation Law Foundation (CLF) regarding concerns with the stormwater law. A new statute was adopted by Legislature and will become effective September 19th. CLF wants the department to review existing authority over impaired watersheds in conjunction with this new rule.

B. CHAIRMAN'S COMMENTS: Thanks to board member Hilton for chairing the last board meeting.**C. EXECUTIVE ANALYST COMMENTS:** Schedules and rulemaking activity for the summer and fall will require maintaining a quorum for those public hearings in the afternoon. The rulemaking hearing schedule will begin in August running through the early fall. Additionally, it was noted that the August 11th meeting is being held in Portland at the Holiday Inn, West (former exit 8 on the turnpike). Board staff will provide members with a draft rulemaking schedule.

D. BOARD CALENDAR:	Reviewed
E. DEPARTMENTAL ORDERS:	Reviewed
F. EXECUTIVE SESSION:	None

II. CONSENT AGENDA ITEMS

The Board voted (9-0-0-1) on a motion to approve consent agenda items 1, 2, and 3 as presented.

Board members Nancy Anderson, Denis Culley, Elizabeth Erhenfeld, Donald Guimond, Ernest Hilton, Virginia Plummer, Matt Scott, Jean T. Wilkinson, and Nancy Ziegler voted to support the motion. Board member Richard Wardwell was absent.

1. JOM INC. dba CHIPCO INTERNATIONAL, Raymond – Administrative Consent Agreement and Enforcement Order (BRWM – Hazardous Waste)
2. FINELY PRESSED dba FRESH LOOK CLEANERS, South Portland – Administrative Consent Agreement and Enforcement Order (BRWM – Hazardous Waste)
3. ABATEMENT SOLUTIONS, INC., Windham – Administrative Consent Agreement and Enforcement Order (BRWM – Hazardous Waste)

III. Regular Agenda

1. CHAPTER 127 NEW MOTOR VEHICLE EMISSION STANDARDS / Amendments - Zero Emission Vehicle Program (adoption)
Staff: Ronald Severance, Bureau of Air Quality

The Board voted (7-0-2-1) on a motion to adopt as presented amendments to Chapter 127 New Motor Vehicle Emission Standards. The vote was taken pursuant to 38 M.R.S.A. Sections 341-D, 585, 585-A, 585-D.

Board members Nancy Anderson, Donald Guimond, Ernest Hilton, Virginia Plummer, Matt Scott, Jean T. Wilkinson, and Nancy Ziegler voted to support the motion. Board members Denis Culley and Elizabeth Ehrenfeld abstained. Board member Richard Wardwell was absent.

2. CHAPTER 415, REASONABLE COSTS FOR HANDLING AND RECYCLING OF ELECTRONIC WASTES/New (post to public hearing)
Staff: Carole Cifrino, Bureau of Remediation and Waste Management

The Board voted (9-0-0-2) on a motion post Chapter 415, Reasonable Costs for Handling and Recycling of Electronic Wastes to a public hearing on August 18, 2005 and establish August 29, 2005 as the deadline for submittal of written comment. The vote was taken pursuant to 38 M.R.S.A. Sections 341-D(3), 1306, 1610.5.D(1), 1663 and 1666.

Board members Nancy Anderson, Denis Culley, Elizabeth Ehrenfeld, Donald Guimond, Ernest Hilton, Virginia Plummer, Matt Scott, Jean T. Wilkinson and Nancy Ziegler voted to support the motion. Board member Richard Wardwell was absent.

3. STEVE ALLEY / PERMIT BY RULE #36762 (APPEAL by Robert H. Newding)

Staff: Mike Mullen, Bureau of Land and Water Quality

The Board voted (5-4-0-1) on a motion to direct staff to draft an order which grants the appeal, with the new draft order to be considered by the Board at a subsequent meeting. The vote was taken pursuant to 38 M.R.S.A. Sections 341-D, 480-A through 480-Z, and 06-096 CMR Chapters 2 and 305.

Board members Nancy Anderson, Denis Culley, Elizabeth Ehrenfeld, Ernest Hilton, and Nancy Ziegler voted to support the motion. Board members Donald Guimond, Virginia Plummer, Matt Scott and Jean T. Wilkinson voted opposed. Board member Richard Wardwell was absent.

4. FPL ENERGY WYMAN, LLC & WYMAN IV, LLC / Request for alternative NOx emission limits to the Title V Air Emission License (post to written comment)

Staff: Marc Cone, Bureau of Air Quality

The Board voted (9-0-0-1) on a motion to post a 60-day written comment period on the draft proposed Board Order amending the Title V air emission license for FPL Energy Wyman, LLC & Wyman IV, LLC to establish an alternative NOx emission limit for units 3 and 4. The Board directed staff to modify the proposed order on page 7 with respect to enforceability to reflect the authority of the Federal Government to enforce violations of the special conditions contained in the draft Board order if Chapter 145 has been included in the State Implementation Plan. The vote was taken pursuant to 38 M.R.S.A. 341-D and 06-096 CMR Chapter 145.

Board members Nancy Anderson, Denis Culley, Elizabeth Ehrenfeld, Donald Guimond, Ernest Hilton, Virginia Plummer, Matt Scott, Jean T. Wilkinson and Nancy Ziegler voted to support the motion. Board member Richard Wardwell was absent.

Briefing:

The Board was briefed on the following applications due to prior Board jurisdiction over related applications. There have been no requests for Board jurisdiction over these applications, and the Board has not assumed jurisdiction.

- > Bangor Hydro 345 kV Transmission Line (Orrington to Baileyville)
Staff: Judy Gates and Robin Clukey, Bureau of Land and Water Quality
- > Knox County Regional Airport
Staff: Judy Gates, Bureau of Land and Water Quality

Next Regular Board Meeting – Thursday, July 21, 2005 – Holiday Inn / Ground Round, Augusta

BOARD OF ENVIRONMENTAL PROTECTION
Holiday Inn / Ground Round, Augusta at 9:00 a.m.

July 7, 2005

I. DEPARTMENTAL

- A. Commissioner's Comments
- B. Chairman's Comments
- C. Executive Analyst Comments
- 001 D. Board Calendar
- E. Departmental Orders / Applications Accepted for Processing
- F. Executive Session

II. CONSENT AGENDA ITEMS

- 003 1. JOM INC. dba CHIPCO INTERNATIONAL, Raymond – Administrative Consent Agreement and Enforcement Order (BRWM – Hazardous Waste)
- 015 2. FINELY PRESSED dba FRESH LOOK CLEANERS, South Portland – Administrative Consent Agreement and Enforcement Order (BRWM – Hazardous Waste)
- 023 3. ABATEMENT SOLUTIONS, INC., Windham – Administrative Consent Agreement and Enforcement Order (BRWM – Hazardous Waste)

III. REGULAR AGENDA ITEMS

- 029 1. CHAPTER 127 NEW MOTOR VEHICLE EMISSION STANDARDS / Amendments (adoption)
Staff: Ronald Severance, Bureau of Air Quality
- 049 2. CHAPTER 415, REASONABLE COSTS FOR HANDLING AND RECYCLING OF ELECTRONIC WASTES/New (post to public hearing)
Staff: Carole Cifrino, Bureau of Remediation and Waste Management
- 061 3. STEVE ALLEY / PERMIT BY RULE #36762 (APPEAL BY Robert H. Newding)
Staff: Mike Mullen, Bureau of Land and Water Quality

BOARD TO RECONVENE AT 1:00 TO CONSIDER THE REM AINDER OF THE AGENDA

- 117 4. FPL ENERGY WYMAN, LLC & WYMAN IV, LLC / Request for alternative NOx emission limits to the Title V Air Emission License (post to written comment)
Staff: Marc Cone, Bureau of Air Quality

Briefing:

- > Bangor Hydro 375 kV Transmission Line
- > Knox County Regional Airport
Staff: Judy Gates, Bureau of Land and Water Quality

Next Regular Board Meeting – Thursday, July 21, 2005 – Holiday Inn / Ground Round, Augusta